

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARNELL BRANCH,
Petitioner,

v.

FRANKLIN J. TENNIS, *et al.*,
Respondents.

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: CIVIL ACTION
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: NO. 07-3532
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Order

YOHN, J.

And now, this 21st day of April 2009, upon careful consideration of Darnell Branch's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, the government's response, the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, and petitioner's objections thereto, it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**;
2. The Recommendation of United States Magistrate Judge Peter B. Scuderi is **APPROVED**;
3. The petition for writ of habeas corpus is **DISMISSED** and **DENIED**;
4. The Clerk shall **CLOSE** this case for statistical purposes; and
5. Petitioner having failed to make a substantial showing of the denial of a constitutional right, there is no ground to issue a certificate of appealability.

s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge